



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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ATTORNEY GENERAL

DIVISION OF STATE COUNSEL
LITIGATION BUREAU

January 8, 2024

By ECF

The Honorable Mae A. D'Agostino
U.S. District Court
Northern District of New York
445 Broadway
Albany, New York 12207

**Re: *New York State Rifle and Pistol Assoc., Inc., et al. v. Bruen, et al.*, 1:22-CV-0907
(N.D.N.Y.) (MAD/CFH)**

Dear Judge D'Agostino:

As directed by the Court, *see* ECF No. 43, Defendant Dominick L. Chiumento,¹ Acting Superintendent of the New York State Police, and Defendant Richard J. McNally, Justice of the New York Supreme Court, Third Judicial District, respectfully write to provide the Court with a status report regarding the above-referenced case.

On November 16, 2022, Defendants filed a motion to dismiss in this matter. *See* ECF No. 30. Subsequently, on November 22, 2022 (ECF No. 31), Defendants requested a stay in this matter, which the Court granted on December 1, 2022. *See* ECF No. 32. Accordingly, Defendants' motion remains pending but has not been fully briefed. On December 8, 2023, the Second Circuit issued its decision in *Antonyuk v. Chiumento* No. 22-2908 (2d Cir.), as well as other cases.

Based upon the Second Circuit's decision in *Antonyuk*, , and the recent Northern District decision in *Kellogg v. Nichols*, No. 23-cv-658, 2023 WL 8046892 (N.D.N.Y. Nov. 21, 2023), Defendants anticipate filing a supplemental memorandum of law supporting their currently-pending motion to dismiss. Defendants respectfully request leave to file their supplemental memorandum of law on or before March 8, 2024, with Plaintiffs' opposing memorandum of law due April 8, 2024, and Defendants' reply memorandum of law due April 23, 2024. I have communicated with Plaintiffs' counsel, Connor Blair, and Plaintiffs do not object to this proposed schedule.

¹ By operation of Federal Rule of Civil Procedure 25(d), Dominick L. Chiumento should be automatically substituted as a Defendant after assuming the office of Acting Superintendent of the New York State Police on October 5, 2023.

Hon. Mae A. D'Agostino

January 8, 2024

Page 2 of 2

Thank you for your assistance in this matter.

Respectfully submitted,

s/ Shannan C. Krasnokutski

Shannan C. Krasnokutski

Assistant Attorney General | Special Counsel

Bar No. 512932

cc: All Counsel of Record via ECF